



Customer No. 04249

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Salem, G.F., et. al

) PATENT APPLICATION
) CONFIRMATION NO.: 7805
)
)
)

APPLICATION NO.: 10/051,002

) GROUP ART UNIT: 1711

FILED: January 22, 2002

) EXAMINER: Acquah, S.A

FOR: Attrition Resistant Inorganic
Microspheroidal Particles

) ATTORNEY DOCKET NO.:
) 37,298
)

PETITION TO WITHDRAW FROM ISSUE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. 1.313, Applicant respectfully petitions the Office to withdraw the application from issue. Withdrawal is necessary to enable the Examiner to consider a reference previously submitted with an Information Disclosure Statement filed pursuant to 37 C.F.R. 1.97 – 1.98.

03/09/2004 BABRAHA1 00000153 10051002

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REMARKS

Status of the Application

Claims 21 – 44 are pending in the application. All claims are considered allowable and a Notice of Allowance And Fee(s) Due has been issued. Applicants have not yet paid the issue fee. Instead, Applicants submit this Petition to withdraw the application from issue. Applicants submit the following good and sufficient reasons why it is necessary to withdraw the application from issue.

Applicants submitted an Information Disclosure Statement Pursuant to 37 C.F.R. 1.97 – 98 by mail on January 15, 2004. Copies of the IDS and transmitting letter are attached. Applicants submitted a post card to be returned upon receipt by the Office of Applicants' IDS. Applicants did not receive the stamped post card.

Thereafter, on February 18, 2004, the Office mailed the Notice of Allowance. The Notice of Allowance does not indicate that the Examiner considered the reference submitted with the IDS. Applicants contacted the Examiner to inquire whether the Examiner received the IDS and considered the reference. The Examiner apparently did not receive the IDS and so did not consider the reference. Applicants submit it is necessary for the Examiner to consider the reference cited with the IDS to complete the examination of the application.

Applicants' Petition must be accompanied by the fee (\$130) set forth in 37 C.F.R. 1.17(h). Applicants submit herewith PCT Form 2038 for payment of the fee. Any additional fee that may be required or any credit for overpayment may be charged to Deposit Account No. 01-0528.

Applicants submit they have presented good and sufficient reasons why withdrawal of the application is necessary. Accordingly, Applicants that their Petition be granted in order that the Examiner review the art cited in the IDS and complete the examination of the application.

Respectfully submitted,

Date: 3/5/04

Norval B. Galloway #33,595
Norval B. Galloway
Attorney for Applicants
Registration Number 33,595
(630) 821-2445



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Salem, G.F. et al.

) PATENT APPLICATION

APPLICATION NO.: 10/051,002

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CONFIRMATION NO.: 7805

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FILED: January 22, 2002

) Examiner:

) Acquah, S.A.

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FOR: ATTRITION RESISTANT
INORGANIC MICROSUPERIODAL
PARTICLES

) Attorney Docket No.:

) 37,298

)

)

Information Disclosure Statement Pursuant to 37 C.F.R. 1.97-1.98

Commissioner
for Patents
P. O. Box 1450
Alexandria, Virginia
22313-1450

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH
SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO: COMMISSIONER FOR PATENTS, ALEXANDRIA,
VIRGINIA 22313-1450.

on 1/15 2004 By Carol A. Wilson
(Signature)

Sir:

Carol A. Wilson
(Typed or Printed Name of Person Signing Certificate)

Pursuant to 37 C.F.R. 1.97-1.98, Applicant submits the published document identified in the enclosed form PTO-1449 for consideration by the Patent and Trademark Office in the examination of the above-identified patent application. The document was cited in an official action issued by the Intellectual Property Bureau of the Ministry of Economic Affairs in Taiwan, R.O.C. The action was issued December 18, 2003. A legible copy of the document is enclosed.

Please charge any additional fee, which may be required, or credit any overpayment, to Deposit Account No. 01-0528.

Correspondence Address:

BP America Inc.
Docket Clerk, BP Legal, M.C. 5East
4101 Winfield Road
Warrenville, Illinois 60555

Respectfully submitted,

Norval B. Galloway
Norval B. Galloway #33,595
Attorney for the Applicant(s)
Registration Number 33,595
(630) 821-2445

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE								ATTY. DOCKET NO. 37,298	SERIAL NO. 10/051,002
O I P E LIST OF DOCUMENTS CITED BY APPLICANT (Use several sheets if necessary)								APPLICANT Salem et al.	
								FILING DATE January 22, 2002	GROUP 1711
MAR 08 2004									

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	6	1	0	7	2	3					
AB												
AC												
AD												
AE												
AF												
AG												
AH												
AI												
AJ												
AK												

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER						DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
		AL	AM	AN	AO	AP						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS		
	AT		

EXAMINER	DATE CONSIDERED
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.